

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*  
*Legislative Council,*  
*1st June, 1888.*

*Hon. Sir F. Whitaker.*

## INTERPRETATION.

### ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PRELIMINARY.</p> <p>2. Act to apply to all Acts of Assembly.</p> <p>3. To apply also to Constitution Act and other Imperial Acts. Proviso.</p> <p>4. General interpretation of words and expressions. "Act." "Attorney-General." "Australasian Colonies." "Australian Colonies." "Commencement of Act." "Company" or "association." "Constitution Act." "Gazette." "Government Gazette," and "New Zealand Gazette." "Gazetted." "General Assembly." "Government Printer." "Governor." "Governor in Council." "Her Majesty," "the Queen," or "the Crown." "Holiday." "Imperial Act." "Imperial Parliament." "Land." "Local authority." "Month." "Oath" and "affidavit." "Order in Council." "Parliament." "Person." "Proclamation." "Province" or "provincial district." "Provincial Ordinance." "Public notification" or "public notice." "Statutory declaration." "Supreme Court." "The colony" and "this colony." "United Kingdom." "Writing," "written." Singular and plural. Masculine gender. "References to persons, places, or things." Names of persons or places in general use.</p> <p style="text-align: center;">CONSTRUCTION OF ACTS.</p> <p>5. General rules. (1.) Act to be divided into sections. (2.) Amendment Act to be read with principal Act. (3.) Act deemed always speaking in the present. (4.) Preamble forms part of Act. (5.) Schedules deemed part of Act. Variation of forms. (6.) Marginal notes not part of Act. (7.) Acts to be deemed remedial. (8.) Acts not to apply to Her Majesty unless expressly provided. (9.) Acts may be amended in same session.</p> | <p style="text-align: center;">COMMENCEMENT OF ACTS.</p> <p>6. Acts assented to, when to come into operation.</p> <p>7. Acts reserved, when to come into operation.</p> <p>8. Clerk of Parliaments to indorse on Acts day of assent, &amp;c.</p> <p>9. Gazetting of Acts unnecessary.</p> <p style="text-align: center;">CITATION OF ACTS.</p> <p>10. Acts, &amp;c., may be cited by their Short Titles.</p> <p>11. Citation of Acts, &amp;c., not having a Short Title. (1.) Imperial Acts. (2.) Ordinances of New Zealand. (3.) Acts of the General Assembly. (4.) Provincial Ordinances. Reference to be made to copies printed by authority.</p> <p>12. Citation of an Act includes a citation of all its amending Acts.</p> <p>13. Citation of a portion of Act includes the first and last words of the portion cited.</p> <p>14. In unrepealed Act reference to repealed Act includes reference to any substituted Act. Such Act deemed incorporated in unrepealed Act.</p> <p style="text-align: center;">EVIDENCE OF ACTS, ETC. GAZETTE.</p> <p>15. All Acts to be deemed public Acts.</p> <p>16. Copy of Act printed by the Government Printer to be evidence.</p> <p>17. Mode of proving Proclamations, Orders in Council, rules, &amp;c., of Governor or Ministers of the Crown.</p> <p>18. Mode of proving Royal Proclamations, Orders of Privy Council, or rules, &amp;c., of Her Majesty's Imperial Government.</p> <p>19. Signature of Governor to be judicially noticed.</p> <p>20. Copy of <i>Gazette</i> containing copy of any act of State to be <i>prima facie</i> evidence thereof.</p> <p style="text-align: center;">REPEAL OF ACTS.</p> <p>21. General provisions as to repeals. (1.) Repeal of repealing Act not to revive former Acts. (2.) Repeal not to affect Act wherein repealed Act is incorporated. (3.) Original provisions in force until substituted provisions come into force. (4.) General</p> |
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saving clause in repeals. (5.) Matters in progress may be concluded under repealed Acts. (6.) Contracts, agreements, &c., may be enforced under repealed Acts. Provisions as to repeals to apply equally to Ordinances of New Zealand and Provincial Ordinances.

## GENERAL PROVISIONS.

22. Orders in Council, &c. How advice and consent of Executive Council may be signified.  
23. Authority under which Orders in Council, &c., made, need not be recited.

24. Provisions as to—(1.) Limitation of time, holidays, &c.; (2.) Exercise of authority by Resident Magistrate or Justice of the Peace. (3.) Words applying to a Minister or public functionary apply to persons temporarily filling such offices. (4.) Power of appointment includes power of removal, &c. (5.) Powers may be exercised from time to time. (6.) Power to make by-laws, rules, &c., includes power of revocation or alteration from time to time.  
25. Provisions of this Act to apply thereto.  
26. Repeal.

## A BILL INTITULED

Title. AN ACT respecting the Form and Interpretation of Statutes, and for shortening the Language used therein.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :— 5

Short Title. 1. The Short Title of this Act is "The Interpretation Act, 1888."

## PRELIMINARY.

Act to apply to all Acts of Assembly. 1878, No. 14, s. 23, enlarged.

2. This Act, and every provision thereof, shall extend and apply to every Act of the General Assembly of New Zealand now or hereafter passed, except in so far as the provision is inconsistent with the intent and object of such Act, or the interpretation which such provision would give to any word, expression, or section in any such Act is inconsistent with the context; and, except in so far as any provision hereof is inconsistent with any particular definition or interpretation, contained in any such Act. 10 15

It shall not be necessary to insert in any Act a declaration that this Act or any other Interpretation Act for the time being in force applies thereto in order to make it so apply. 20

To apply also to Constitution Act and other Imperial Acts. 1887, No. 8, extended. Proviso.

3. This Act shall also apply

(1.) To the Constitution Act in the same manner as it applies to Acts of the General Assembly; and

(2.) To every other Act of the Imperial Parliament in force within the colony, except where inconsistent with the context of such last-mentioned Act, or where such application thereof would be in contradiction of the provisions of any Royal Proclamation, Order of the Privy Council, or other instrument issued under the authority of such Act. 25 30

General interpretation of words and expressions. 1878, No. 14, s. 3.

4. In every Act of the General Assembly, if not inconsistent with the context thereof respectively, and unless there are words to exclude or to restrict such meaning, the words and phrases following shall severally have the meanings hereinafter stated, that is to say,— 30 35

"Act."

"Act" means an Act of the General Assembly, and includes all rules and regulations made thereunder:

"Attorney-General."

"Attorney-General," in respect of any power, duty, authority, or function imposed upon or vested in him in virtue of his office as Attorney-General, includes the Solicitor-General: 40

- 5 "Australasian Colonies" includes the Australian Colonies together with New Zealand and Fiji: "Australasian Colonies." 1878, No. 14, s. 3.
- "Australian Colonies" includes the Colonies of Queensland, New South Wales, Victoria, South Australia, Western Australia, and any other colony that may hereafter be created within Australia; together with Tasmania: "Australian Colonies."
- 10 "Commencement of Act," or other similar term, means the day on which the Act referred to comes into operation: "Commencement of Act."
- "Company" or "association," where used in reference to a corporation, includes the successors and assigns of such company or association: "Company" or "association."
- 15 "Constitution Act" means an Act of the Imperial Parliament made and passed in the session held in the fifteenth and sixteenth years of Her Majesty Queen Victoria, chapter seventy-two, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand;" and includes the several Acts of the Imperial Parliament amending the same: "Constitution Act."
- 20 "Gazette," "Government Gazette," and "New Zealand Gazette" mean the *Gazette* published, or purporting to be published, by or under the authority of the Government of New Zealand, and includes any supplement thereof published as aforesaid in any place: "*Gazette*," "*Government Gazette*," and "*New Zealand Gazette*."
- 25 "Gazetted" means published in the aforesaid *Gazette*: "Gazetted."
- "General Assembly" means the General Assembly of New Zealand, consisting of the Governor, the Legislative Council, and the House of Representatives: "General Assembly."
- 30 "Government Printer" means the printer to the New Zealand Government at Wellington purporting to be the printer authorised to print the statutes of the General Assembly and the Acts of State of the colony, and otherwise to be the Government Printer of the colony: "Government Printer." 31 & 32 Vict., c. 37, s. 5.
- 35 "Governor" means the Governor of the colony, and includes the Lieutenant-Governor, and the person for the time being lawfully administering the Government of New Zealand: "Governor." 1878, No. 14, s. 3.
- 40 "Governor in Council" or any other like expression, means the Governor, acting by and with the advice and consent of the Executive Council of New Zealand: "Governor in Council."
- 45 "Her Majesty," "the Queen," or "the Crown," means Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and includes her heirs and successors, Sovereigns of the said kingdom: "Her Majesty," "the Queen," or "the Crown."
- "Holiday" includes Sundays, Christmas Day, New Year's Day, Good Friday, and any day proclaimed by the Governor as set apart for a public fast or thanksgiving, or as a public holiday: "Holiday." *Ib.*, s. 23.
- 50 "Imperial Parliament" means the Parliament of the United Kingdom of Great Britain and Ireland: "Imperial Parliament."
- "Imperial Act" means an Act made and passed by the Imperial Parliament; "Imperial Act."

<p>“ Land.” 1878, No. 14, s. 3.</p>	<p>“ Land ” includes messuages, tenements, hereditaments, houses, and buildings, unless there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure :</p>	
<p>“ Local authority.”</p>	<p>“ Local authority ” means any Council, Board, Trustees, Commissioners, or other persons, by whatever name designated, intrusted under any Act with the administration of the local affairs of any city, town, place, borough, county, or district, and having power to make and levy rates :</p>	<p>5 10</p>
<p>“ Month.” Ib., s. 3. “ Oath ” and “ affidavit.”</p>	<p>“ Month ” means calendar month : “ Oath ” and “ affidavit ” include affirmation and statutory declaration ; “ swear ” includes “ affirm ” and “ declare ” in the case of persons allowed by law to affirm or declare instead of swearing, or in any case of voluntary and other declaration authorised by law :</p>	<p>15</p>
<p>“ Order in Council.”</p>	<p>“ Order in Council ” means an order made by the Governor in Council :</p>	
<p>“ Parliament.”</p>	<p>“ Parliament ” means the General Assembly of New Zealand in Parliament assembled :</p>	<p>20</p>
<p>“ Person.” “ Proclamation.”</p>	<p>“ Person ” includes a corporation : “ Proclamation ” means a Proclamation made by the Governor under his sign-manual and the seal of the colony :</p>	
<p>“ Province ” or “ provincial district.”</p>	<p>“ Province ” or “ provincial district ” means any of the former Provinces of Auckland, Taranaki, Hawke’s Bay, Wellington, Nelson, Marlborough, Canterbury, Otago, Southland, or Westland :</p>	<p>25</p>
<p>“ Provincial Ordinance.”</p>	<p>“ Provincial Ordinance ” means an Act or ordinance passed by the Superintendent of any former province, with the advice and consent of the Provincial Council thereof :</p>	<p>30</p>
<p>“ Public notification ” or “ public notice.”</p>	<p>“ Public notification ” or “ public notice,” in relation to any matter not specifically required by law to be published <i>in extenso</i>, means a notice published in the <i>Gazette</i>, or in one or more newspapers circulating in the place or district to which the act, matter, or thing required to be publicly notified relates or refers, or in which it arises :</p>	<p>35</p>
<p>“ Statutory declaration.”</p>	<p>“ Statutory declaration,” if made in Great Britain or Ireland, or any British colony, or New Zealand, means a declaration made before a Justice of the Peace, notary public, or other person having authority to take or receive a declaration under any law for the time being in force ; If made in any foreign country, it means a like declaration made before a British Consul or Vice-Consul, or other person having authority to take or receive such a declaration under any Act of the Imperial Parliament for the time being in force authorising the taking or receiving thereof :</p>	<p>40 45</p>
<p>“ Supreme Court.” “ The colony ” and “ this colony.”</p>	<p>“ Supreme Court ” means the Supreme Court of New Zealand : “ The colony ” and “ this colony ” severally mean the Colony of New Zealand, comprising all territories within the limits thereof for the time being :</p>	<p>50</p>

5	<p>“ United Kingdom ” means the United Kingdom of Great Britain and Ireland :</p> <p>“ Writing,” “ written,” or any term of like import includes words printed, painted, engraved, lithographed, or otherwise traced or copied ; and where anything is required to be written it may be partly in writing and partly in print :</p>	<p>“ United Kingdom.”</p> <p>“ Writing,” “ written.”</p>
10	<p>Words importing the singular number include the plural number, and words importing the plural number include the singular number, and words importing the masculine gender include females :</p>	<p>Singular and plural.</p> <p>Masculine gender.</p>
15	<p>Words referring to any country, locality, district, place, body, corporation, society, officer, office, functionary, person, party or thing, shall be construed distributively as referring to each country, locality, district, place, corporation, society, officer, office, functionary, person, party, or thing, to whom or to which the provision is applicable.</p>	<p>“ References to persons, places, or things.”</p>
20	<p>The name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party, or thing, means such country, locality, district, place, body, corporation, society, officer, office, functionary, person, party, or thing, although such name is not the formal and extended designation thereof.</p>	<p>Names of persons or places in general use.</p> <p>Canada Revised Acts, 1886, c. 1, s. 7 (16).</p>

CONSTRUCTION OF ACTS.

25	<p>5. The following provisions shall have effect in relation to every Act of the General Assembly except in cases where it is otherwise specially provided :—</p>	<p>General rules.</p>
39	<p>(1.) Every Act shall be divided into sections if there be more enactments than one, which sections shall be deemed to be substantive enactments, without any introductory words :</p>	<p>Act to be divided into sections.</p> <p>1878, No. 14, s. 9.</p>
35	<p>(2.) Every Act passed in amendment or extension of a former Act shall be read and construed according to the definitions and interpretations contained in such former Act ; and the provisions of the said former Act (except so far as the same are altered by or inconsistent with the amending Act or Acts) shall extend and apply to the cases provided for by the amending Act or Acts, in the same way as if the amending Act or Acts had been incorporated with and formed part of the former Act :</p>	<p>Amendment Act to be read with principal Act.</p> <p>Ib., s. 15.</p>
40	<p>(3.) The law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense the same shall be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof, according to its spirit, true intent, and meaning :</p>	<p>Act deemed always speaking in the present.</p> <p>Canada Revised Acts, 1886, c. 1, s. 7 (3).</p>
45	<p>(4.) The preamble of every Act shall be deemed a part thereof, intended to assist in explaining the purport and object of the Act :</p>	<p>Preamble forms part of Act.</p> <p>Ib. (56).</p>

Schedules deemed part of Act.  
Variation of forms.  
Canada Revised Acts, 1886, c. 1, s. 7 (44).  
Marginal notes not part of Act.  
Acts to be deemed remedial.  
Ib. (56).

(5.) Every Schedule of an Act shall be deemed to form part thereof; whenever forms are prescribed, slight deviations therefrom, but to the same effect and not calculated to mislead, shall not vitiate them :

(6.) Marginal notes to an Act shall not be deemed to form part of such Act :

(7.) Every Act, and every provision or enactment thereof, shall be deemed remedial, whether its immediate purport is to direct the doing of anything which Parliament deems to be for the public good, or to prevent or punish the doing of anything which it deems contrary to the public good, and shall accordingly receive such fair, large, and liberal construction and interpretation as will best insure the attainment of the object of the Act and of such provision or enactment, according to its true intent, meaning, and spirit :

(8.) No provision or enactment in any Act shall affect, in any manner or way whatsoever, the rights of Her Majesty, her heirs or successors, unless it is expressly stated therein that Her Majesty shall be bound thereby; nor, if such Act is of the nature of a private Act, shall it affect the rights of any person or of any body politic or corporate, except only as therein expressly mentioned :

(9.) Every Act may be altered, amended, or repealed in the same session of the General Assembly in which it may be passed :

Acts not to apply to Her Majesty unless expressly provided.  
Ib. (46).

Acts may be amended in same session.  
1878, No. 14, s. 14.

#### COMMENCEMENT OF ACTS.

6. Every Act assented to by the Governor in Her Majesty's name, which does not prescribe the time from which it is to take effect, shall come into operation on the day on which it receives the Governor's assent.

7. Every Act reserved by the Governor for the signification of Her Majesty's pleasure thereon, which does not prescribe the time from which it is intended to take effect, shall come into operation on the day on which the Governor shall signify, by Speech, Message, or Proclamation, that Her Majesty has assented to the same.

8. The Clerk of Parliaments shall insert in every Act, immediately after the title thereof, the day, month, and year when the same is assented to by the Governor in Her Majesty's name, and, when any Act is reserved by the Governor for the signification of Her Majesty's pleasure thereon, then the day, month, and year on which the Governor, by such Speech, Message, or Proclamation as aforesaid, signifies that Her Majesty has assented to such Act; and every such date shall be taken to be a part of the Act and to be the date of its commencement when no other commencement is therein provided.

9. It shall not be necessary to gazette the Acts of the General Assembly; but copies of all such Acts shall be procurable by purchase, at the office of the Government Printer.

Acts assented to, when to come into operation.  
Ib., s. 10.

Acts reserved when to come into operation.  
Ib., s. 11.

Clerk of Parliaments to indorse on Acts day of assent, &c.  
Ib., s. 12.

Gazetting of Acts unnecessary.  
Ib., s. 13.

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CITATION OF ACTS.

10. Every Act and every Provincial Ordinance having a Short Title may for all purposes be cited by such Short Title.

11. In citing or making reference to any Act or Provincial Ordinance not having a Short Title, it shall not be necessary to  
 5 recite the title of the Act or Provincial Ordinance, nor the provision of any section referred to, but it shall be sufficient for all purposes of such citation or reference—

(1.) In the case of Acts of the Imperial Legislature,—

10 If such Act was made before the seventh year of Henry the Seventh, to cite the year of the King's reign in which it was made, and where there are more statutes than one in the same year the statute, and where there are more chapters than one, the chapter ;

15 If such Act was made after the fourth year of Henry the Seventh, to cite the year of the reign, and where there are more statutes or sessions than one in the same year the statute or the session (as the case may require), and where there are more chapters, numbers, or sections than one the chapter, number, or section, or chapter or number and section (as the case may require) :

20 (2.) In the case of Ordinances of the Governor, Governor-in-Chief, or Lieutenant-Governor and Legislative Council of New Zealand, to cite the session in which such ordinance was made, together with the number of the ordinance :

25 (3.) In the case of Acts of the General Assembly, to cite the year of our Lord in which the Act was made, and the number of the Act :

30 (4.) In the case of Provincial Ordinances, to cite the name of the province wherein the ordinance was made, together with the session in which the same was made, and the number of the ordinance.

The reference in all cases shall be made,—

35 In the case of Imperial Acts, according to the copies of statutes printed by the Queen's Printer :

In the case of Acts and ordinances of New Zealand, according to the copies of such Acts and Ordinances published, or purporting to be published, by the Government Printer, or under the authority of the Government of New Zealand for the time being :

40 In the case of Provincial Ordinances, according to the copies of such ordinances printed or purporting to be printed under the authority of the Government of the particular province wherein such ordinance was made, or verified in the manner provided by "The Provincial Laws Evidence Act, 1877."

45 12. A reference to or citation of any Act includes therein the citation of all subsequent enactments passed in amendment or sub-

Acts, &c., may be cited by their Short Titles.

1878, No. 14, s. 6. Citation of Acts, &c., not having a Short Title. *Ib.*, s. 7.

Imperial Acts.

Ordinances of New Zealand.

Acts of the General Assembly.

Provincial Ordinances.

Reference to be made to copies printed by authority.

Citation of an Act includes a citation of all its amending Acts. 1878, No. 14, s. 15.

stitution of the Act so referred to or cited, unless it is otherwise manifested by the context.

Citation of a portion of Act includes the first and last words of portion cited. 46 & 47 Vict., s. 39, Schedule.

In unrepealed Act reference to repealed Act includes reference to any substituted Act.

Such Act deemed incorporated in unrepealed Act. 1878, No. 14, s. 16 (2).

13. A description or citation of a portion of an Act is inclusive of the first and last words, section, or other portion of the Act so described or cited.

14. In every unrepealed Act in which reference is made to any repealed Act such reference shall be construed as referring to any subsequent enactment passed in substitution of such repealed Act, unless it is otherwise manifested by the context.

And all the provisions of such subsequent enactment, and of any enactment amending the same, shall, as regards any subsequent transaction, matter, or thing, be deemed to have been applied, incorporated, or referred to in the unrepealed Act.

#### EVIDENCE OF ACTS, ETC., GAZETTE.

15. Every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act, and shall be judicially taken notice of by all Courts, Judges, Justices of the Peace, and other persons acting judicially.

All Acts to be deemed public Acts. *Ib.*, s. 8.

Copy of Act printed by the Government Printer to be evidence.

16. Every copy of any Act, public or private, printed under the authority of the New Zealand Government by the Government Printer for the time being, shall be evidence of such Act and of its contents; and every copy of any such Act purporting to be printed as aforesaid shall be deemed to be so printed, unless the contrary be proved.

Mode of proving Proclamations, Orders in Council, rules, &c., of Governor or Ministers of the Crown. 31 & 32 Vict., c. 37, s. 2, adapted.

17. *Primâ facie* evidence of any Proclamation, Order in Council, order, regulation, or other instrument whatsoever made or issued before or after the passing of this Act by the Governor or by the Governor in Council, also of any order, regulation, or other instrument whatsoever made or issued before or after the passing of this Act by or under the authority of any Responsible Minister of the Crown in New Zealand, being a Member of the Executive Council, may be given in all Courts of justice and in all legal proceedings whatsoever, in all or any of the following modes, that is to say,—

- (1.) By the production of a copy of the *Gazette* purporting to contain such Proclamation, Order in Council, order, regulation, or other instrument;
- (2.) By the production of a copy of such Proclamation, Order in Council, order, regulation, or other instrument purporting to be printed by the Government Printer;
- (3.) By the production, in the case of any Proclamation, Order in Council, order, regulation, or other instrument whatsoever made or issued by the Governor or by the Governor in Council, of a written copy or extract purporting to be certified to by the Clerk of the Executive Council, and, in the case of any order, regulation, or other instrument whatsoever made or issued by or under the authority of any Responsible Minister of the Crown as aforesaid, by the production of a copy or extract purporting to be certified to be true by the aforesaid Minister or any other Responsible Minister of the Crown in New Zealand.



No proof shall be required of the handwriting or official position of any person certifying in pursuance of this section to the truth of any copy of, or extract from any Proclamation, Order in Council, order, regulation, or other instrument.

5 18. *Prima facie* evidence of any Royal Proclamation, Order of Her Majesty's Privy Council, order, regulation, despatch, or any other instrument whatsoever made or issued before or after the passing of this Act by Her Majesty, or by Her Majesty's Privy Council, or by or under the authority of any of Her Majesty's Secretaries of State, or of any department of Her Majesty's Government in the United Kingdom, may be given in all Courts of justice, and in all legal proceedings whatsoever, by the production of a copy of the *New Zealand Gazette* purporting to contain a reprint of such Proclamation, Order of the Privy Council, order, regulation, despatch, or other instrument, as an extract from the *London Gazette*.

Mode of proving Royal Proclamations, Orders of Privy Council, or rules, &c., of Her Majesty's Imperial Government.

15 19. The signature of the Governor, or person for the time being administering the Government of New Zealand, shall be judicially taken notice of by all Courts, Judges, Justices of the Peace, and other persons acting judicially.

Signature of Governor to be judicially noticed.

20 20. Where by any Act the Governor in Council, or the Governor alone, or a Responsible Minister of the Crown in New Zealand, being a Member of the Executive Council, is authorised or empowered to do, exercise, or perform any act, power, function, or duty whatsoever, any *Gazette* purporting to contain a copy or notification of any such act, power, function, or duty, shall be *prima facie* evidence of such act having been duly done, exercised, or performed.

Copy of *Gazette* containing copy of any act of State to be *prima facie* evidence thereof.

REPEAL OF ACTS.

30 21. The provisions following shall have general application in respect to the repeals of Acts, except in cases where the context manifests that a different construction is intended, that is to say,—

General provisions as to repeals. 1878, No. 14, s. 16 (4) (1) (3) (5).

35 (1.) The repeal of an Act wholly or in part shall not prevent the effect of any saving clause therein, and shall not revive any enactment previously repealed, unless words be added reviving such last-mentioned enactment.

Repeal of repealing Act not to revive former Acts.

(2.) The repeal of any enactment shall not affect any Act in which such enactment has been applied, incorporated, or referred to.

Repeal not to affect Act wherein repealed Act is incorporated.

40 (3.) Whenever any provisions of an Act are repealed, and other provisions are substituted in their place, the provisions so repealed remain in force until the substituted provisions come into operation.

Original provisions in force until substituted provisions come into force.

45 (4.) The repeal of an Act or the revocation of a by-law or regulation at any time shall not affect

General saving clause in repeals.

The validity, invalidity, effect, or consequences of anything already done or suffered; or

Any existing status or capacity; or

50 Any right, interest, or title already acquired, accrued, or established, or any remedy or proceeding in respect thereof; or

Any release or discharge of or from any debt, penalty, claim, or demand; or

Any indemnity; or

The proof of any past act or thing; or

Any right to any of Her Majesty's revenues of the Crown; or affect any charges thereupon, or any duties, taxes, fees, fines, penalties, or forfeitures, or prevent any such Act, by-law, or regulation from being put in force for the collection or recovery of any such revenues, charges, duties, taxes, fees, fines, penalties, or forfeitures, or otherwise in relation thereto. 5 10

Matters in progress may be concluded under repealed Acts.

1878, No. 28, s. 5.

(5.) Any enactment, notwithstanding the repeal thereof, shall continue and be in force for the purpose of continuing and perfecting under such repealed enactment any act, matter, or thing or any proceedings commenced or in progress thereunder, if there be no substituted enactments adapted to the completion thereof. 15

Contracts, agreements, &c., may be enforced under repealed Acts. *Ib.*, s. 6.

(6.) Notwithstanding the repeal or expiry of any enactment, every power and act which may be necessary to complete, carry out, or compel the performance of any subsisting contract or agreement which may have been lawfully made, entered into, or commenced under such enactment, may be exercised and performed in all respects as if the said enactment continued in force; and all offences committed, or penalties or forfeitures incurred, before such repeal, may be prosecuted, punished, and enforced as if such enactment had not been repealed. 20 25

Provisions as to repeals to apply equally to ordinances of New Zealand and provincial ordinances.

The word "Act" in this section shall include ordinance of the former Legislative Council of New Zealand, and Provincial Ordinance, and the provisions of this section shall apply accordingly in respect of the repeal of any such ordinance of the former Legislative Council of New Zealand or Provincial Ordinance, in the same manner as they apply to the repeals of Acts of the Assembly. 30

#### GENERAL PROVISIONS.

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Orders in Council, &c., how advice and consent of Executive Council may be signified. 1878, No. 14, s. 4.

22. Wherever in any Act any act, power, function, or duty is required to be done, exercised, or performed (which in this section hereinafter is called "an exercise of authority") by the Governor in Council, or where in any such Act any other like expression is used,— 40

It shall be sufficient if the advice and consent of such Executive Council be signified to such exercise of authority at a meeting of the said Executive Council, although the Governor be prevented from attending or presiding thereat by some necessary or reasonable cause, if such meeting be duly convened and held in accordance with any Royal instructions relating thereto for the time being in force. 45

On the advice and consent of the Executive Council being signified in manner aforesaid, the Governor may exercise the authority in like manner as if he had himself been present at the meeting at which such advice and consent were signified. 50

Every authority exercised in the above manner shall take effect

from the time of the exercise thereof, unless some other time is named or fixed or is expressly provided by law for the taking effect thereof.

No authority exercised in manner aforesaid by the Governor shall be called in question in any Court of law, or before any Judge, Commissioner, or Justice, on the ground that the Governor was not prevented by any necessary or reasonable cause from attending any such meeting of the Executive Council as aforesaid.

23. Wherever by any Act the Governor in Council, or the Governor, or any officer or person named therein is empowered to make or issue any Proclamation, Order in Council, warrant, or other instrument, it shall be sufficient to cite therein the particular Act authorising the making or issuing of the same; and it shall not be necessary to recite or set forth therein any facts or circumstances or the performance of any conditions precedent upon which such power depends or may be exercised.

Authority under which Orders in Council, &c., made need not be recited. 1878, No. 14, s. 5.

24. In every Act, unless the context otherwise requires,—

Provisions as to—  
Ib., s. 22 extended.  
Limitation of time, holidays, &c.;

(1.) If the time limited by any Act for any proceeding, or the doing of anything under its provisions, expires or falls upon a holiday, the time so limited shall be extended to, and such thing may be done on, the day next following which is not a holiday; and all further changes of time rendered necessary by any such alteration may also lawfully be made:

(2.) If anything is directed to be done by or before a Resident Magistrate or a Justice of the Peace, or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done:

Exercise of authority by Resident Magistrate or Justice of the Peace.

(3.) Words directing or empowering a Responsible Minister of the Crown to do any act or thing, or otherwise applying to him by his title of office, include any Member of the Executive Council of the colony, being a Responsible Minister of the Crown, acting for or, if the office is vacant, in the place of such Minister, and also his successors in such office; and

Words applying to a Minister or public functionary apply to persons temporarily filling such offices.  
Ib., s. 17 amended.

Words directing or empowering any other public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office, and his or their lawful deputy:

(4.) Words authorising the appointment of any public officer or functionary, or any deputy, include the power of removing or suspending him, or reappointing or reinstating him, or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested; and in like manner to appoint another in the place of any deceased, absent, or otherwise incapacitated holder of such appointment:

Power of appointment includes power of removal, &c.  
Ib., s. 18 amended.

(5.) Power given to do any act or thing, or submit to any matter or thing, or to make any appointment, is capable of being exercised from time to time, as occasion may require, unless the nature of the words used or the thing itself shall indicate a contrary intention:

Powers may be exercised from time to time.  
Ib., s. 19.

Power to make by-laws, rules, &c., includes power of revocation or alteration from time to time.

1878, No. 14, s. 20.

Provisions of this Act to apply thereto.

Repeal.

(6.) Power given to make by-laws, rules, orders, or regulations includes the power from time to time to revoke the same absolutely in whole or in part, or revoke and vary the same in part or in whole and substitute others, unless the terms or the nature and object of the power shall indicate that it is intended to be exercised either finally in the first instance, or only under certain restrictions.

5

25. The provisions of this Act shall apply to the construction thereof, and to the words and expressions used therein.

26. "The Interpretation Act, 1878," and "The Interpretation Act Amendment Act, 1887," are hereby repealed.

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But such repeal shall not affect any act or thing lawfully done under the said Acts or either of them, before the coming into operation of this Act; and all such acts and things shall continue to have the same force and effect as if this Act had not been passed.

15